

ASSEMBLY BILL

No. 2292

Introduced by Assembly Member Bonnie Lowenthal

February 18, 2010

An act to amend Section 4190 of, and to amend the heading of Article 14 (commencing with Section 4190) of Chapter 9 of Division 2 of, the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2292, as introduced, Bonnie Lowenthal. Pharmacy: clinics.

Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy by the California State Board of Pharmacy and a knowing violation of this law is a crime. Existing law authorizes a surgical clinic, as defined, to purchase drugs at wholesale for administration or dispensing, under the direction of a physician, to patients registered for care at the clinic. Existing law requires these clinics to obtain a license from the board and to comply with various regulatory requirements. Existing law also authorizes the board to inspect a clinic at any time in order to determine whether a surgical clinic is, or is not, operating in compliance with certain requirements.

This bill would expand these provisions to additionally authorize an outpatient setting and an ambulatory surgical center, as specified, to purchase drugs at wholesale for administration or dispensing under those same circumstances and subject to the same licensing, regulatory, and inspection requirements.

Because a knowing violation of these requirements by outpatient settings and ambulatory surgical centers would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 14 (commencing with Section 4190) of Chapter 9 of Division 2 of the Business and Professions Code is amended to read:

Article 14. ~~Surgical~~ Clinics

SEC. 2. Section 4190 of the Business and Professions Code is amended to read:

4190. (a) *For the purposes of this article, "clinic" means a surgical clinic licensed pursuant to paragraph (1) of subdivision (b) of Section 1204 of the Health and Safety Code, an outpatient setting accredited by an accreditation agency, as defined in Section 1248 of the Health and Safety Code, or an ambulatory surgical center certified to participate in the Medicare Program under Title XVIII of the federal Social Security Act (42 U.S.C. Sec. 1395 et seq.).*

(b) Notwithstanding any provision of this chapter, a ~~surgical clinic, as defined in paragraph (1) of subdivision (b) of Section 1204 of the Health and Safety Code~~ clinic may purchase drugs at wholesale for administration or dispensing, under the direction of a physician *and surgeon*, to patients registered for care at the clinic, as provided in subdivision ~~(b)~~ (c). The clinic shall keep records of the kind and amounts of drugs purchased, administered, and dispensed, and the records shall be available and maintained for a minimum of three years for inspection by all properly authorized personnel.

~~(b)~~

(c) The drug distribution service of a ~~surgical~~ clinic shall be limited to the use of drugs for administration to the patients of the ~~surgical~~ clinic and to the dispensing of drugs for the control of

1 pain and nausea for patients of the clinic. Drugs shall not be
2 dispensed in an amount greater than that required to meet the
3 patient's needs for 72 hours. Drugs for administration shall be
4 those drugs directly applied, whether by injection, inhalation,
5 ingestion, or any other means, to the body of a patient for his or
6 her immediate needs.

7 ~~(e) No surgical clinic shall operate without a license issued by~~
8 ~~the board nor shall it be entitled to the benefits of this section until~~
9 ~~it has obtained a license from the board.~~

10 *(d) No clinic shall be entitled to the benefits of this section until*
11 *it has obtained a license from the board.* A separate license shall
12 be required for each clinic location. A clinic shall notify the board
13 of any change in the clinic's address on a form furnished by the
14 board.

15 ~~(d)~~

16 *(e)* Any proposed change in ownership or beneficial interest in
17 the licensee shall be reported to the board, on a form to be furnished
18 by the board, at least 30 days prior to the execution of any
19 agreement to purchase, sell, exchange, gift or otherwise transfer
20 any ownership or beneficial interest or prior to any transfer of
21 ownership or beneficial interest, whichever occurs earlier.

22 *(f) The board shall conduct inspections of these clinics in*
23 *accordance with Section 4195.*

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.